

5597. Adulteration of tomato ketchup. U. S. * * * v. 632 Cases of Tomato Ketchup. Consent decree of condemnation and forfeiture. Product released on bond to be destroyed and containers to be returned to claimant. (F. & D. No. 6450. I. S. Nos. 2815-k, 2816-k. S. No. E-248.)

On April 19, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 632 cases of tomato ketchup consigned by Alart & McGuire, Williamstown, N. J., remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped and transported from the State of New Jersey into the State of New York, and were received at New York City on or about April 8, 1915, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in particular of a partially decomposed vegetable product, to wit, decayed tomato.

On May 18, 1915, Robert Burtt, Brooklyn, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product should be destroyed under the supervision of a representative of this department. It was further provided that the claimant should be entitled to the containers after the destruction of the product.

C. F. MARVIN, *Acting Secretary of Agriculture.*